



IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
AIKEN DIVISION

JOSEPH WOJCICKI,

Plaintiff,

vs.

AIKEN TECHNICAL COLLEGE *et al.*,

Defendants.

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CIVIL ACTION NO. 1:06-461-HFF-BM

ORDER ADOPTING THE REPORT AND RECOMMENDATION OF THE
MAGISTRATE JUDGE

This is an employment discrimination case in which Plaintiff is proceeding *pro se*. The matter is before the Court for review of the Report and Recommendation (Report) of the United States Magistrate Judge recommending that the Court deny Plaintiff's Motion for Default/Summary Judgment. The Report is made in accordance with 28 U.S.C. § 636 and Local Civil Rule 73.02 for the District of South Carolina.

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight. The responsibility to make a final determination remains with the Court. *Matthews v. Weber*, 423 U.S. 261, 270 (1976). The Court is charged with making a *de novo* determination of those portions of the Report to which specific objection is made, and the Court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge or recommit the matter with instructions. 28 U.S.C. § 636(b)(1).

The Magistrate Judge filed the Report on May 18, 2006, and Plaintiff timely filed objections. Based on the following, the Court finds that these objections should be overruled and the Report adopted.

Plaintiff's Motion for Default appears to assert that Defendants did not file their answer within the time permitted by the Federal Rules of Civil Procedures. A review of the docket, however, shows that the Court extended Defendants' time to answer or otherwise respond to April 17, 2006 and that Defendants filed a Motion to Dismiss on April 17, 2006. Plaintiff's motion, then, is without merit and must be denied.

Accordingly, after a thorough review of the Report and the record in this case pursuant to the standards set forth above, the Court adopts the Report and incorporates it herein. Therefore, it is the judgment of this Court that the Motion for Default/Summary Judgment be, and the same is hereby, **DENIED.**

IT IS SO ORDERED.

Signed this 25th day of May, 2006, in Spartanburg, South Carolina.

s/ Henry F. Floyd
HENRY F. FLOYD
UNITED STATES DISTRICT JUDGE